

Approved For Release 2005/04/27 : CIA-RDP77M00144R001200030006-3

OLC 75-0623
26 March 1975

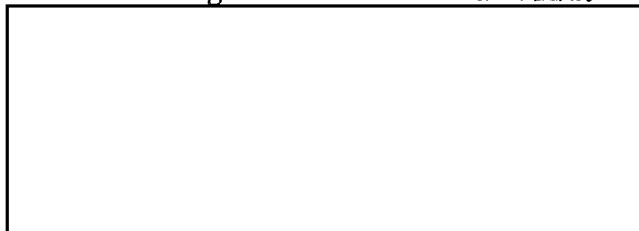
MEMORANDUM FOR THE RECORD

SUBJECT: Application of House Rule XI 27(c), now Rule XI 2(e)(2),
to Information Gathered by the House Select Committee
on Intelligence

1. House Rule XI 2(e)(2) provides:

"(2) All committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the Member serving as chairman of the committee; and such records shall be the property of the House and all Members of the House shall have access thereto."

2. It is believed that enactment of section 6 of H. Res. 138 (attached) establishing the Select Committee on Intelligence, at a minimum creates a presumption that the House of Representatives has consciously directed and granted authority to the Select Committee necessary to overrule House Rule XI 2(e)(2) to prevent "disclosure, outside the select committee, " (e.g., other members of the House of Representatives) of any information relating to CIA and other intelligence activities or which would adversely affect such intelligence activities abroad.



Deputy Legislative Counsel

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"Sec. 6. (a) The select committee shall institute and carry out such rules and procedures as it may deem necessary to prevent (1) the disclosure, outside the select committee, of any information relating to the activities of the Central Intelligence Agency or any other department or agency of the Federal Government engaged in intelligence activities, obtained by the select committee during the course of its study and investigation, not authorized by the select committee to be disclosed; and (2) the disclosure, outside the select committee, of any information which would adversely affect the intelligence activities of the Central Intelligence Agency in foreign countries or the intelligence activities in foreign countries of any other department or agency of the Federal Government;

"(b) No employee of the select committee or any person engaged by contract or otherwise to perform services for the select committee shall be given access to any classified information by the select committee unless such employee or person has received an appropriate security clearance as determined by the select committee. The type of security clearance to be required in the case of any such employee or person shall, within the determination of the select committee, be commensurate with the sensitivity of the classified information to which such employee or person will be given access by the select committee.

"(c) As a condition for employment as described in section 5 of this resolution, each person shall agree not to accept any honorarium, royalty, or other payment for a speaking engagement, magazine article, book, or other endeavor connected with the investigation and study undertaken by this committee."

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TO	NAME AND ADDRESS	DATE	INITIALS
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COMMENT		FILE	RETURN
CONCURRENCE		INFORMATION	SIGNATURE
Remarks: Before you call Nedzi on the Rule XI problem which is now technically Rule XI 2(e)(2) please review the attached memo which argues there is a legal basis for the House Select Committee to overrule Rule XI. A copy is in John Warner's hands.			
<div style="border: 1px solid black; width: 200px; height: 60px; margin: 0 auto;"></div> <p style="text-align: center;">Deputy Legislative Counsel</p>			
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FORM NO. 1-67 237 Use previous editions

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JOURNAL

OFFICE OF LEGISLATIVE COUNSEL

Friday - 14 March 1975

1. [redacted] NE Division, called to advise that the interest in the [redacted] case is not by Senator Gale McGee (D., Wyo.) but by the Senate Select Committee. I told [redacted] that in this case he ought to be in touch with [redacted] IC staff. (See Journal item #27, 12 Mar 75.)

2. [redacted] In the absence of Albert Gould, Director of the Washington Workshops, spoke with Florence Fields indicating that the press of events ruled out the possibility of the Director attending one of their sessions, but if a substitute representative from the Agency would be acceptable, I said I was sure that the Director would be happy to make an Agency official available to talk to this high school group. Ultimately, she identified the 17th of June at Mt. Vernon College at 8:00 p.m. as a slot for the Agency representative. I tentatively identified Paul [redacted] OTR, as the Agency representative. [redacted] has been alerted.

3. [redacted] After clearance with the ADDO via Ed [redacted] I met with Richard Moose, Senate Foreign Relations Committee staff, and closed out the follow up question concerning the Agency (#32) and [redacted] by providing him the required information, in classified form, for the Committee record only. Frank Kirkpatrick, State Department, and Col. Lowenstein, DOD, were advised.

In connection with the scheduled briefing of Senator Dick Clark (D., Iowa) early next week, Moose said he will try to get further definition of the Senator's meaning of question number 8 concerning Lon Nol's political development and indicated that if at all possible he plans to attend the briefing

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4. [redacted] Met with Representative Carroll Hubbard (D., Ky.), President of the 94th Democratic Club, and reviewed the arrangements for the breakfast/briefing at Headquarters on 18 March and he had no specific suggestions. I told him we appreciate the assistance of his fine office staff in this endeavor and are hoping that the session will be truly beneficial both for the members and the Agency representatives who will be in attendance.

I also reviewed with Carol Hanson, of the Representative's staff, the status of acceptances which now stands at 14. She said most who could not attend on the 18th were picking up our invitation for a subsequent breakfast/briefing. She will be making a survey of the offices who have not responded and will be in touch with us on the results.

5. [redacted] In response to his recently expressed interest, provided Dave Keaney, Senate Foreign Relations Committee staff, the 5 March Law of the Seas publication on Morocco.

7. [redacted] In response to Jim Oliver's, OMB, request, I identified the resolutions establishing the two Select Committees.

8. [redacted] In response to his request, confirmed with Richard Moose, Senate Foreign Relations Committee staff, arrangements for [redacted] NIO/SEA, to brief Senator Dick Clark on Monday, 17 March at 1:00 p.m. on the subject of Vietnam and Cambodia.

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